

IN THE UNITED STATES DISTRICT COURT
FOR THE EASTERN DISTRICT OF CALIFORNIA

EDWARD JAMES WILLARD,

Petitioner,

No. CIV S-04-0743 FCD DAD P

vs.

D. L. RUNNELS,

Respondent.

ORDER

Petitioner is a state prisoner proceeding pro se with this application for a writ of habeas corpus pursuant to 28 U.S.C. § 2254. Petitioner challenges the failure of the Board of Prison Terms (BPT or Board) to find him suitable for parole at two parole suitability hearings. He claims, among other things, that his rights pursuant to the Eighth and Fourteenth Amendments were violated because the Board disregarded regulations ensuring fair suitability hearings and instead operated under a policy that all murderers be found unsuitable for parole (claims IV and VI). Respondent did not address these claims in his answer filed January 5, 2005. On December 23, 2004, petitioner filed a motion for discovery. Respondent has not filed an opposition to this motion.

Good cause appearing, respondent will be directed to file an opposition to petitioner's discovery motion and an amended answer responding to petitioner's claims

1 numbered IV and VI, described above. Respondent will also be directed to file a paper copy of
2 his January 5, 2005 answer, in accordance with Local Rule 5-133(f).

3 Accordingly, IT IS HEREBY ORDERED that:

4 1. Within thirty days from the date of this order, respondent shall file an
5 opposition to petitioner's December 23, 2004 motion for discovery and an amended answer
6 addressing petitioner's claims that his rights pursuant to the Eighth and Fourteenth Amendments
7 were violated because the Board disregarded regulations ensuring fair suitability hearings and
8 instead operated under a policy that all murderers be found unsuitable for parole; and

9 2. Within thirty days from the date of this order, respondent shall file a paper
10 copy of his January 5, 2005 answer, in accordance with Local Rule 5-133(f).

11 DATED: June 2, 2005.

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14 DALE A. DROZD
UNITED STATES MAGISTRATE JUDGE

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